

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 68 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

MANIBHAI RATANSINGH

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

MR BD DESAI, ADDL.PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 08/04/96

ORAL JUDGEMENT

The present petition under Article 226 of the Constitution of India requires a recognition. The prisoner Manibhai Ratansingh has presented the petition through Jail. His grievance is that, he is entitled to a furlough and that he should be granted the same. He was required to file the present petition from jail because, there is an order of rejection passed by the I.G. Prisons on November 21, 1995. The reason for the rejection of the furlough assigned by the authority is that, previously, the prisoner had absconded and,

therefore, the Jailor is not having a favourable opinion from him. The remarks being submitted by learned Government Counsel Mr. B.D. Desai would go to show that, on earlier occasion, he was late by 423 days and that also, his presence could be secured only after the arrest, but because of this, he has been penalised. The question is as to whether, when once he was late by above said days, and when he came to be apprehended by the police, the furlough, which has become due, should be refused to him. It appears that, regard being had to the facts and circumstances of the case, the furlough could be granted, but the I.G. Prisons should be entitled to impose the conditions which would ensure that the prisoner does not abscond and surrenders at the right time. The present petition is allowed. The petitioner is granted the furlough for two weeks. The I.G. Prisons shall decide regarding the conditions to be imposed while the prisoner would be on the furlough. There could be a condition regarding his regular presence before a police station where he would be staying during the time of furlough. The Rule is made absolute accordingly.
